

## REMARKS

In the Office Action, the Examiner rejected claims 1, 7, 15, and 21 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,526,173 of Burns; rejected claims 3, 4, 6, 9, 10, 12, 17, 18, 20, 23, 24, and 26 under 35 U.S.C. § 103(a) as unpatentable over Burns in view of U.S. Patent No. 6,229,437 of Schmid et al. ("Schmid"); and rejected claims 13, 14, 27, and 28 under 35 U.S.C. § 103(a) as unpatentable over Burns. The Examiner also objected to claims 2, 5, 8, 11, 16, 19, 22, and 25 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended claims 1, 3, 4, 6-8, 10, 11, 13-15, 17, 18, 20-22, 24, 25, 27, and 28 to more appropriately define the invention. Applicant has also amended the specification to correct informalities. Claims 1-28 remain pending.

Applicant thanks the Examiner for the indication of allowable subject matter.

Applicant respectfully traverses the Examiner's rejection of claims 1, 7, 15, and 21 under Section 102(e) as anticipated by Burns. In order to properly establish that Burns anticipates Applicant's claimed invention under 35 U.S.C. § 102(e), each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Circ. 1989). Regarding the 35 U.S.C. § 102(e) rejection, Burns does not disclose each and every element of Applicant's present invention as claimed.

Burns discloses a method and system for compression encoding video signals representative of image frames. Burns defines an "object" as "a constituent part of the image frame, a region of the image frame, or another entity of interest in the image frame." (Col. 3, lines 21-24) With reference to the flow diagram shown in Fig. 1, as described at col. 3, lines 10 et seq, an "object" is identified in the image frame (block 10), the representation of the object is compressed (in blocks 16 and 20), and the representation of the object is encoded (in blocks 18 and 22).

The "object" defined by Burns is different from the object disclosed and claimed by Applicant. As described at page 1, lines 19-21 of Applicant's specification, an object in the context of Applicant's invention can be a visual object, an audio object, or the like. Original data is divided into coded object data and scene description data, wherein the scene description data is information for reproduction of the objects as one scene. (Application at page 2, lines 6-10)

Applicant has amended the claims to recite "kinds of data" instead of "objects" to clarify the distinction based on a different meaning of "object" ascribed by Burns.

Burns clearly does not teach that different objects are encoded by different methods. Further, there is no teaching in Burns of a data transmission coding apparatus or method that includes selecting an error-correction coding method for each of kinds of data based on the priority of each of the kinds, and subjecting each of the kinds of data to error-correction coding using the selected error-correction coding method, as required by independent claims 1 and 15.

Similarly, Burns clearly does not disclose data reception apparatus or method that includes detecting the priority of each kind of coded data, and error-correction

decoding of each of the kinds of the coded data based on the priority detected, as required by each of independent claims 7 and 21.

Since Burns does not disclose each and every element of any of independent claims 1, 7, 15, and 21, Burns fails to anticipate any of these claims. Therefore, independent claims 1, 7, 15, and 21 are patentable.

Applicant respectfully traverses the Examiner's rejection of claims 3, 4, 6, 9, 10, 12, 17, 18, 20, 23, 24, and 26 under § 103(a) as unpatentable over Burns in view of Schmid. Schmid is directed to a device for controlling a motor vehicle occupant protection system. Schmid does not include any disclosure or suggestion that overcomes the above-noted deficiencies of Burns with respect to the rejection of independent claims 1, 7, 15 and 21. Since each of the claims rejected under § 103(a) depends from one of independent claims 1, 7, 15, and 21, claims 3, 4, 6, 9, 10, 12, 17, 18, 20, 23, 24, and 26 are patentable over the combination of Burns and Schmid.

Applicant respectfully traverses the Examiner's rejection of claims 13, 14, 27 and 28 under § 103(a) as unpatentable over Burns. Consistent with the discussion above responding to the rejection under § 102(e), Burns does not disclose or suggest a coding apparatus or method comprising a combination of features that includes determining error-correction coding methods for kinds of data respectively based on the priority of each kind of data, and error-correction coding of each of the kinds of data using the determined error-correction coding methods, as required by each of independent claims 13 and 27.

Similarly, Burns clearly does not disclose or suggest a coding/decoding system or method comprising a combination of features that includes detecting the priority of

each of kinds of coded data, and error-correction decoding of each of the kinds of coded data using a decoding method based on the priority detected, as required by each of independent claims 14 and 28. Since Burns fails to disclose or suggest the combination recited in each of independent claims 13, 14, 27, and 28, Applicant submits these claims are patentable over Burns.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 19, 2004

By: 

Richard V. Burgujian  
Reg. No. 31,744